

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF OKLAHOMA**

LAVERN BERRYHILL,)	
)	
Plaintiff,)	
vs.)	NO. CIV-10-0802-HE
)	
VICKI MILES-LaGRANGE, <i>et al.</i> ,)	
)	
Defendants.)	

ORDER


Plaintiff Lavern Berryhill, a state prisoner appearing *pro se*, filed this § 1983 action against numerous federal and state judges, federal and state employees and others, alleging violations of his constitutional rights. Pursuant to 28 U.S.C. § 636(b)(1)(B) and (C), the matter was referred to Magistrate Judge Bana Roberts for initial proceedings. She has recommended that plaintiff's request to proceed *in forma pauperis* be denied and that he be required to pay the full \$350.00 filing fee. She concluded that the three strikes provision of 28 U.S.C. § 1915(g) was applicable and that plaintiff had failed to demonstrate that the statute's imminent danger of serious physical injury exception applied. Although plaintiff amended his complaint after the Report and Recommendation was issued, the court has reviewed it and finds, as did the magistrate judge, that plaintiff "has made no credible allegation that he is presently in danger of serious physical injury." Report and Recommendation, p. 3. Plaintiff has filed an objection to the Report and Recommendation which the court has considered but does not find to be persuasive.

Accordingly, the court adopts Magistrate Judge Robert's Report and

Recommendation. Plaintiff's motion for leave to proceed *in forma pauperis* [Doc. #2] is denied. Plaintiff has until **October 20, 2010**, to pay the \$350.00 filing fee or this action will be dismissed.

IT IS SO ORDERED.

Dated this 30th day of September, 2010.



JOE HEATON
UNITED STATES DISTRICT JUDGE